

# HOUSE BILL REPORT

## HB 1438

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**As Reported by House Committee On:**  
Public Safety & Emergency Preparedness

**Title:** An act relating to the interstate compact for adult offender supervision.

**Brief Description:** Concerning the interstate compact for adult offender supervision.

**Sponsors:** Representatives Kelley and Dammeier.

**Brief History:**

**Committee Activity:**

Public Safety & Emergency Preparedness: 2/2/11, 2/11/11 [DPS].

**Brief Summary of Substitute Bill**

- Requires Washington representatives, at the next meeting of the Interstate Commission, to seek a resolution regarding any inequitable distribution of costs, benefits, and obligations affecting Washington under the Interstate Compact for Adult Offender Supervision.

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### HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Hurst, Chair; Ladenburg, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Armstrong, Goodman, Hope, Kirby, Moscoso and Ross.

**Staff:** Yvonne Walker (786-7841).

**Background:**

Many offenders are subject to some form of supervision once they are released from the Department of Corrections (DOC). While offenders may be permitted to travel to other states, courts have held that an individual's constitutional right to travel is extinguished by a valid conviction followed by imprisonment, and it remains so while the offender is on parole or probation.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Congress has expressly authorized states to enter into compacts or agreements such as the Interstate Compact for Adult Offenders Supervision (Interstate Compact). In 2001, pursuant to Substitute Senate Bill 5118, the Legislature enacted the Interstate Compact into Washington law. The Interstate Compact provides a formal means for controlling the interstate movement of offenders who are under the supervision of a member state's department of corrections. All 50 states plus Puerto Rico, the United States Virgin Islands, and the District of Columbia are members of the Interstate Compact.

Under the Interstate Compact, an Interstate Commission (Commission) was created which establishes uniform procedures to manage the movement between states of adults placed under supervision. The Commission has the power to adopt bylaws governing the management and operation of the Commission and to make rules which have the force and effect of statutory law. Such rules are binding upon the states that are members of the Interstate Compact.

Pursuant to the Interstate Compact statute enacted in 2001 and the bylaws enacted by the Commission, once effective, the Interstate Compact shall continue in force and remain binding upon the member state unless the member state withdraws. Under the Interstate Compact, a member state may only withdraw by repealing the statute which enacted the compact into law.

If the Commission determines that any member state has defaulted on any of its obligations or responsibilities under the Interstate Compact or its bylaws, it may impose penalties such as fines or fees, or a suspension and may seek judicial action to enforce any penalties.

By the end of the year 2010, the DOC was supervising approximately 2,342 felony offenders on behalf of other states under the Interstate Compact, while other states were supervising approximately 803 offenders on Washington's behalf.

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### **Summary of Substitute Bill:**

The Legislature has determined that it is necessary to examine patterns related to the exchange of out-of-state offenders needing supervision.

At the next meeting of the Commission, Washington's representatives on the Commission must seek a resolution regarding any inequitable distribution of costs, benefits, and obligations affecting Washington under the Interstate Compact.

### **Substitute Bill Compared to Original Bill:**

Several provisions of the bill are eliminated that are already in effect and in which the DOC is in the process of implementing. Those provisions include:

- requiring the DOC to identify the states from which it receives adults for supervision and examining the feasibility and cost of establishing memoranda of understanding with the states that send the highest number of offenders for supervision to

- Washington with the goal of achieving more balanced and equitable obligations under the Interstate Compact;
- requiring the DOC to examine the feasibility and cost of withdrawal from or modification to the Interstate Compact; and
  - requiring the DOC, by December 1, 2011, to report back to the Legislature regarding: (1) the development of memoranda of understanding with the states that send the highest number of offenders to Washington; (2) the outcome of the resolution process by the Commission regarding the inequitable distribution of costs, benefits, and obligations affecting Washington under the Interstate Compact; and (3) the feasibility and cost of withdrawal from or modification to the Interstate Compact.
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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) None.

(In support with amendment) There was a similar bill last year which the House of Representatives passed. A portion of that bill was added onto a Senate bill and was passed by the Legislature and enacted into law. As a result of the enactment of that bill, the Governor and the DOC went back to the Commission and they were successful in making some changes in regards to the transfer of offenders. In addition, there were items enacted last year and thus are no longer needed in this current version of the bill. Eliminating these items will help to reduce the fiscal note.

Most of the specific issues regarding the Interstate Compact were addressed last year but there are still some problems. Some states, like Washington and California, are accepting more prisoners than they are sending out. For every one offender that Washington sends to another state, our state gets in about three new ones. Texas, Georgia, Missouri, and Virginia all export between 2,200 and 4,500 felons out of their state each year.

Every offender that is sent to Washington is paid for out of our state dollars. Maybe Washington should look at the larger picture of equitable distribution of offenders and who should be paying for these offenders.

(Opposed) None.

**Persons Testifying:** Representative Kelley, prime sponsor.

**Persons Signed In To Testify But Not Testifying:** None.